

EXHIBIT I

DECLARATION OF TRAVIS WHITE

I, Travis R. White, hereby declare as follows under the penalty of perjury.

1. I am Travis R. White, President & Chief Executive Officer of the Firearms Regulatory Accountability Coalition, Inc. (“FRAC”). I have held this position since January 2021. Unless otherwise stated, this declaration is based on my personal knowledge and belief and my review of business records of FRAC. If called as a witness, I could and would testify competently to the contents of this declaration.

2. I am over 18 years of age, a citizen of the United States and North Dakota, and of sound mind.

3. FRAC maintains its principal place of business at its headquarters at 2021 E. Main Avenue, Suite I, Bismarck, ND 58501.

4. FRAC is a non-profit association working and advocating to improve business conditions for the firearm industry by ensuring the industry receives fair and consistent treatment from firearms regulatory agencies.

5. FRAC is committed to holding the government accountable for unlawful policies and rules and ensuring that the government’s regulation of the industry is conducted in an open and transparent manner.

6. FRAC serves as the premiere national trade association representing U.S. firearms, ammunition, and accessories manufacturers, retailers, importers, and innovators on regulatory and legislative issues impacting the industry in the United States.

7. As part of its mission to aggressively advocate for and defend firearms, ammunition, and accessories manufacturers, retailers, and importers from government overreach, FRAC regularly files comments with firearms regulatory agencies and litigates firearms issues at all levels of the federal judicial system.

8. FRAC membership includes U.S. firearms, ammunition, and accessories manufacturers, retailers, and importers who are directly and indirectly impacted by federal firearms regulation.

9. Since at least 2012, the Bureau of Alcohol, Tobacco, and Firearms (“ATF”) has repeatedly ruled that pistols and other firearms with attached stabilizing braces are not “firearms” within the meaning of the National Firearms Act (“NFA”) and are not “short-barreled rifles” within the meaning of the Gun Control Act (“GCA”). The agency took similar positions in criminal prosecutions in multiple federal courts.

10. Upon information and belief, several of FRAC’s members, including NST Global, LLC d/b/a SB Tactical (“SB Tactical”) and B&T USA, LLC (“B&T”), relied on ATF’s classification decisions and judicial filings regarding stabilizing braces when making sales decisions, developing marketing strategies, and allocating priorities for manufacturing. The basis for my information and belief includes my communications with senior persons within FRAC member companies and my general knowledge of the industry.

11. On January 31, 2023, ATF issued a Rule titled “Factoring Criteria for Firearms with Attached ‘Stabilizing Braces.’” Around the same time, ATF published documents on its website identifying “[c]ommercially available firearms equipped with a ‘stabilizing brace’” and “[c]ommon weapon platforms with attached ‘stabilizing brace’ designs” that “are short-barreled rifles” under the Rule (“the Adjudications”). (These documents are available at <https://www.atf.gov/rules-and-regulations/factoring-criteria-firearms-attached-stabilizing-braces>).

12. Through these actions, ATF identifies firearms and accessories the agency had previously determined to be unregulated by the NFA but which ATF now deems NFA “firearms”

and GCA “short-barreled rifles.”

13. These include firearms and accessories manufactured and sold by FRAC members.

14. As a result of ATF’s actions, these previously unregulated items are now subject to burdensome regulation under the NFA and GCA.

15. As a direct result of ATF’s actions, FRAC members will be injured.

16. SB Tactical and B&T, plaintiffs in this case, are members of FRAC injured by ATF’s actions.

17. Upon information and belief, the Rule has resulted in significant financial and reputational harm to SB Tactical, B&T, and similarly-situated members of FRAC.

18. FRAC’s members will be subject to additional compliance costs associated with the new regulatory classification of brace-equipped guns under the Rule.

19. ATF’s actions will also harm the sales revenues of FRAC’s members. Items that are subject to heightened NFA and GCA regulations are considered less desirable in the firearms community and, as a consequence, are more difficult to sell.

20. ATF’s decision to subject nearly all pistols and other firearms equipped with stabilizing braces to burdensome federal regulations will substantially diminish the future sales and other revenues of FRAC members, potentially causing some members to close.

21. The Rule has injected mass uncertainty into the industry. FRAC members are using ambiguous criteria to cautiously evaluate which pistols in their inventory are subject to the rule. The stakes are high for member businesses since any misapprehension of the Rule’s application will likely lead to the revocation of a business’s FFL or criminal penalties.

22. The Rule directly impacts millions of firearms enthusiasts who own pistol stabilizing braces. Owners who purchased braces in reliance on ATF’s previous classification now find

themselves subject to regulations enforceable through serious criminal penalties.

23. FRAC views the Rule as a clear example of government overreach. ATF lulled manufacturers, retailers, and the public into a false sense of security, before unfairly reinterpreting the NFA and GCA to apply to items that are clearly outside these statutes' scopes.

24. Enjoining ATF's Rule and Adjudications would remedy the harm to FRAC's members caused by ATF's unlawful actions. FRAC's members could safely forego the additional compliance obligations the Rule places on them, saving compliance costs and other company resources. And FRAC members' products would no longer be subject to the regulatory burden that has made their products less valuable and more difficult to sell, alleviating the economic injury caused by ATF's actions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 8th, 2023

A handwritten signature in black ink, appearing to read "Travis R. White", written over a horizontal line.

Travis R. White
President & CEO, Firearms Regulatory
Accountability Coalition, Inc.